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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,249	05/22/2006	Gerhard Preisendorfer	32128-227053 RK	6424
26694	7590	06/16/2010	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998			HEWITT, JAMES M	
			ART UNIT	PAPER NUMBER
			3679	
			MAIL DATE	DELIVERY MODE
			06/16/2010	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/563,249

**Applicant(s)**

PREISENDORFER, GERHARD

**Examiner**

JAMES M. HEWITT

**Art Unit**

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The foreign references listed on the information disclosure statement filed 1/4/06 have not been considered with the IDS as copies thereof have not been provided as required by 37 CFR 1.97, 1.98 and MPEP § 609.

Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Drawings***

The drawings are objected to because in Figures 4, 5 and 7, there is no lead line provided for numeral '4'. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The substitute specification filed 5/22/06 has been entered.

The abstract of the disclosure is objected to because it includes the implied phrase "The invention relates to" and the legal term "said". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is unclear as to what is meant by "the first and second locking zones engage *in the manner of* ratchet teeth".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 4-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Preisendorfer (EP 0 795 712 A1).

As to claim 1 and 4-11 and with reference to the drawings and specification, Preisendorfer discloses a connector seal device comprising: a hollow elastomer insert (10) composed in part of a first material and including a flexible support collar (12), a sealing region with an inside surface tapered in an insertion direction and having first locking ring zones, and an outside surface; a pipe union (22) of a second harder material and comprising an engagement end, with an outside surface tapered in an insertion direction, the outside surface having second locking ring zones, and a socket end, whereby when the insert is inserted into the opening and the union is inserted into the insert, the locking zones engage *in the manner of* ratchet teeth and the elastomer insert is expanded and pressed against the opening through the continued displacement of the union in the insertion direction; the insert and union are arranged substantially concentric, the outside surface of the insert is substantially cylindrical and includes barb-shaped projections (19), the sealing region of the insert is tubular with sufficient length to cover a reinforced area of the opening; the outside surface of the

insert is coated with an adhesive protected by a cover sheet (see spec.); the sealing wall region of the insert includes a groove with a sealing agent (see spec.); the support collar of the insert is harder than the sealing wall region (see spec.).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 12-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Preisendorfer.

As to claim 2, Examiner takes official notice of the use of saw-tooth "threads" and accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Preisendorfer's threads with saw-tooth shaped threads.

As to claim 3, Examiner takes official notice of the use of a sliding agent or lubricant between threads of a pipe joint and accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Preisendorfer to include a sliding agent between the threads.

As to claims 12-15, Preisendorfer fails to teach a second hollow elastomer insert and a hollow press-on cone with locking ring zones corresponding to those on the first insert and pipe union, the cone having a flange and the union having an extension. It

would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Preisendorfer with such a second insert and hollow cone in an opposite opening, since it has been held that duplication of essential working parts of a device involves only routine skill in the art.

As to claims 16-18, Examiner takes official notice of the use of such a swelling rope seal in a pipe joint, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Preisendorfer to include a such a seal.

As to claims 19-21, Examiner takes official notice of the use of such a heat activated seal in a pipe joint, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Preisendorfer to include a such a seal.

As to claims 22-27, Examiner takes official notice of the use of a such a pressure sensing system configured with a transponder or data carrier in a pipe assembly and accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Preisendorfer to include such a pressure sensing system having a transponder/data carrier.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES M. HEWITT whose telephone number is (571)272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James M Hewitt/  
Primary Examiner, Art Unit 3679